

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLAN MOORE,

Plaintiff(s),

v.

TIDES AT CHEYENNE MANAGEMENT,

Defendant(s).

Case No. 2:24-cv-01171-RFB-NJK

ORDER

On June 28, 2024, the Court ordered Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 3. The order required a response by July 19, 2024. *Id.* at 2. Unfortunately, the Clerk's Office stated incorrectly in the corresponding docket text that the response deadline was July 29, 2024. *See* Docket No. 3 (docket text). Plaintiff has now objected to the report and recommendation on the ground that he did not have a proper opportunity to respond to the order to show cause because he relied on the erroneous docket text deadline of July 29, 2024. *See* Docket No. 10 at 3. While the Court's order controls such deadlines regardless of any inconsistent docket text, *cf.* Local Rule IC 3-1(d), the Court finds it in the interest of justice to allow Plaintiff a further opportunity to respond to the order to show cause. Accordingly, the report and recommendation (Docket No. 5) is **WITHDRAWN**.¹ The deadline for Plaintiff to respond to the order to show cause why the case should not be dismissed for lack of subject matter jurisdiction (Docket No. 3) is **EXTENDED** *nunc pro tunc* to August 30, 2024.

IT IS SO ORDERED.

Dated: August 15, 2024


 Nancy J. Koppe
 United States Magistrate Judge

¹ A magistrate judge is empowered to withdraw or amend a report and recommendation after an objection thereto is filed. *See, e.g., Frye v. Warden, San Quentin State Prison*, 200 F. Supp. 3d 1035, 1041-42 (E.D. Cal. 2016).